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| SCHEEF & STONE, L.L.P. | | | ABDI, KAMBIZ | |
| 5956 SHERRY LANE | | | ART UNIT | |
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| DALLAS, TX 75225 | | | 3621 | |

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/337,113

Applicant(s)

HANNULA, ESKO

Examiner

Kambiz Abdi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-20 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-20 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3621

DETAILED ACTION

1. The prior office actions dated;

3 January 2002,

15 January 2003,

16 June 2003,

12 December 2003,

are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments in view of the preceding amendments.

- Claims 1-4, 6, 8, 10, 14-17, and 20 are amended.
- New claims 23-26 have been added.
- Claims 1-10, 14-20, and 23-26 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 23 June 2004 has been entered.

Response to Arguments

3. Applicant's arguments filed 23 March 2004 have been fully considered but they are not persuasive, as well as applicant's arguments with respect to claims 1, 10, 15, 20 and 23 are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 24-26 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s),

Art Unit: 3621

or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims 21-22, which claims 24-26 depend to are canceled claims. Correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-10, 15-19, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,223,291 to Larry C. Puhl in view of U.S. Patent No. 6,155,484 to Shigeru Sasaki.

As for claim 1, Puhl clearly discloses an apparatus for a recipient mobile terminal to copy an executable file from a mobile provider terminal, said apparatus comprising:

- a recipient-terminal downloading connector selectably operable to effectuate a first communication link with the provider mobile terminal (establishing a WTLS connection) (See Puhl figures 3-5, col. 6, lines 46-48, col. 13, ln. 25-68, and col. 14 ln. 1-12);
- a credit payment indicator for containing at least an indicia of creditworthiness of a recipient-terminal user (Figure 5, elements 535, 525 and bill customer for the predetermined fee) (See Puhl figure 5, and col. 13, ln. 55-57); and
- a downloading controller coupled to said payment indicator and to said downloading connector, said downloading controller for permitting said recipient-terminal downloading connector to effectuate the first communication link with provider mobile terminal, and for determining whether the indicia of creditworthiness meets a selected threshold, and for effecting the copying of the content by way of the first communication link if the determination indicates the indicia of creditworthiness meets the selected threshold (Figure 5, elements 535, 525 and bill customer for

Art Unit: 3621

the predetermined fee) (See Puhl, figure 5, and col. 11, ln. 55-68, col. 12, ln. 1-10, col. 13, ln. 25-68, and col. 14 ln. 1-12).

What is not described in detail as how the credit worthiness is determined (bill customer for the predetermined fee) is clearly disclosed by Sasaki (See Sasaki figure 2A and col. 4, ln. 1-7 and ln. 37-53). It is clear that Sasaki uses the smart card as means of delivery of funds in a portable environment.

Nevertheless, Puhl does not clearly specify "mobile provider terminal", as recited above. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make both the receiving and provider terminals portable In re Lindberg 93 USPQ 23 (CCPA 1952). Since by doing so, it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy. (Additionally, Sasaki clearly discloses a system that works based on a peer-to-peer communication and transaction, which are mobile and transportable). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over an open network as well as to secure the payment of the funds to the recipient to avoid risking not to be compensated for the delivery of goods or services in a transportable distribution system that can be easily moved around portably.

7. As for claim 2, Puhl and Sasaki disclose all the limitations of claim 1, further; both Puhl and Sasaki disclose,

the provider mobile terminal comprises a provider-terminal downloading connector and wherein said recipient-terminal downloading terminal is engageable with the provider-terminal downloading connector (See Puhl col. 9, ln. 1-8 and ln. 22-28 and Sasaki figure 1 elements 1, 2, and 3 and col. 4, ln. 1-7). In addition one skilled in the art would know that it is necessary to have a connector to make such downloading, this connector being a physical or optical or radio connection.

8. As for claim 3, Puhl and Sasaki disclose all the limitations of claim 2, further;

Art Unit: 3621

Both Puhl and Sasaki disclose a point-to-point connection is formed between the provider mobile terminal and the recipient mobile terminal when said provider-terminal downloading connector engages with said recipient-terminal downloading connector (establishing a WTLS connection) (See Puhl col. 9, In. 1-8 and In. 22-28 and Sasaki figure 1 elements 1, 2, and 3 and col. 4, In. 1-7). Even though, Puhl is not specific on the peer-to-peer communication and elude to specify the specifics. Even though Puhl does not explicitly teach this but it is obvious to one having ordinary skill in the art at the time the current invention was made, that two entities peered as such in this invention must be able to exchange (push and pull or down-load) information between them. This transaction between the terminals needs to be controlled. However, Sasaki clearly discloses the peer-to-peer communication and transaction (Sasaki figure 1 elements 1, 2, and 3 and col. 4, In. 1-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make the provider terminal a mobile one and as a peer of the recipient it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy, which in turn would lead to the capability of out most availability of the peer terminal as distribution point.

9. As for claim 5, Puhl and Sasaki clearly disclose all the limitations of claim 1, further;

Puhl or Sasaki are not specific regarding the said recipient-terminal downloading connector comprises an executable downloader program, executable at the recipient mobile terminal. One could consider the "money transport" as container containing downloader program executable at the recipient (Figure 1 element 2). However, Harris clearly discloses a system that works based on a peer-to-peer communication and transaction, which clearly discloses the use of the download controller at the buyer side (control of information transfer resident with buyer) (See Harris col. 23, In. 65-68 and col. 24, In. 1-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to have the download application controller as to be executed at the recipient side in order to prevent others to push unsolicited information or application to the recipient device.

Art Unit: 3621

10. As for claim 6, Puhl and Sasaki disclose all the limitations of claim 1, further;

Puhl discloses that the third-party content executable at the provider mobile terminal comprises a selected application program selected from amongst a plurality of application programs and wherein said recipient terminal downloading connector is actuatable by the recipient-terminal user to select the selected application program from amongst the plurality of application programs (choosing the German/English translator to be downloaded and executed locally in the phone)(See Puhl col. 7, ln. 12-18 and ln. 29-33).

11. As for claim 7, Puhl and Sasaki disclose all the limitations of claim 1, further;

Puhl is not clear on the said payment indicator is releasably engageable with the recipient mobile terminal, coupled to said downloading controller when engaged with the recipient mobile terminal (SIM card or Smart card and use of e-cash element 535)(See Puhl col. 11, ln. 65-68, col. 12, ln. 1-10, and col. 13, ln. 55-57). However, Sasaki is clear on the relationship of the process of the e-cash usage in transactions between two entities, as it has not been clearly discussed in the Puhl reference, step 535 (See Sasaki figure 1 and 2A and col. 4, ln. 1-7 and ln. 36-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to incorporate Sasaki's teaching within Puhl's to add further flexibility of using smart cards in the transaction.

12. As for claims 8 and 18, Puhl and Sasaki disclose all the limitations of claims 7 and 17, further;

Puhl is not clear on the recipient mobile terminal further comprises a card-member receiving platform and wherein said payment indicator comprises a payment card containing the indicia of the creditworthiness of the recipient-terminal user stored thereon, said payment and releasably positionable at the card-member receiving platform to be coupled to said downloading controller when positioned thereat.

What Puhl is not explicit about in the above claim is how the Smart Card reader and writer in its portable terminal associated with the rest of the system (See Puhl col. 11, ln. 5-68, col. 12, ln. 1-10) and the nature of the "Smart Card's" value holding (Software Token) and a system that it does utilize to transact the transfer of "electronic cash" from the receiving terminal to the provider terminal. However,

Art Unit: 3621

Sasaki clearly teach systems that use smart card and cash value stored within them to carry on "electronic cash" transaction and the system to make it easy to read and interact with the smart card as a value holding device coupleable to the portable device (Money transporter)(See figure 1 and 2A and col. 4, ln. 1-7 and ln. 36-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over an open network with more flexibility, security, and choices.

13. As for claims 9 and 19, Puhl and Sasaki disclose all the limitations of claims 1 and 17, further;

Puhl clearly discloses the said payment indicator comprises electronic-wallet software executable at the recipient mobile terminal. Puhl is not explicit about how the Smart Card reader and writer in its portable terminal associated with the rest of the system (See Puhl col. 11, ln. 65-68, col. 12, ln. 1-10 and col. 13, ln. 55-57). However, the nature of the "Smart Card's" value holding (e-cash step 535) and a system that it does utilize to transact the transfer of "electronic cash" from the receiving terminal to the provider terminal is clearly disclosed. Puhl clearly discloses existence of an e-wallet at the recipient terminal (SIM card within the cell phone).

14. As for claim 10, Puhl and Sasaki disclose all the limitations of claim 1, further;

What Puhl does not clearly disclose, Sasaki clearly discloses the threshold of creditworthiness is an indication that financial resources are available and at least equal to the cost indicia (See Sasaki figure2A element 24 and 27, and col.4, ln. 36-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over an open network to secure the payment of the funds to the recipient to avoid risking not to be compensated for the delivery of goods or services.

15. As for claim 15, Puhl discloses a method for facilitating the selective copying of content from a provider mobile terminal to a recipient mobile terminal that is a peer device of the provider mobile terminal, the content including cost indicia and being executable at the provider mobile terminal and after

Art Unit: 3621

copying to be executable at the recipient mobile terminal by a recipient mobile terminal user, said method comprising;

- forming a first communication link between the recipient mobile terminal and the provider mobile terminal (establishing a WTLS connection) (See Puhl figures 3-5, col. 6, lines 46-48, col. 13, ln. 25-68, and col. 14 ln. 1-12);
- comparing the indicia of creditworthiness with the cost indicia to determine whether, at least a selected threshold of creditworthiness has been met (Figure 5, elements 535, 525 and bill customer for the predetermined fee) (See Puhl figure 5, and col. 13, ln. 55-57); and
- downloading the content by way of the first communication link to the recipient mobile terminal if the indicia of creditworthiness is determined to be at least the selected threshold (Figure 5, elements 535, 525 and bill customer for the predetermined fee) (See Puhl, figure 5, and col. 11, ln. 55-68, col. 12, ln. 1-10, col. 13, ln. 25-68, and col. 14 ln. 1-12).

Nevertheless, Puhl does not clearly specify "mobile provider terminal", as recited above.

However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make both the receiving and provider terminals portable In re Lindberg 93 USPQ 23 (CCPA 1952). Since by doing so, it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy. (Additionally, Sasaki clearly discloses a system that works based on a peer-to-peer communication and transaction).

What is not described in detail as how the credit worthiness is determined (bill customer for the predetermined fee) is clearly disclosed by Sasaki (See Sasaki figure 2A and col. 4, ln. 1-7 and ln. 37-53). It is clear that Sasaki uses the smart card as means of delivery of funds in a portable environment.

Additionally, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make both the receiving and provider terminals portable In re Lindberg 93 USPQ 23 (CCPA 1952). Since by doing so, it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over an open network to

Art Unit: 3621

secure the payment of the funds to the recipient to avoid risking not to be compensated for the delivery of goods or services in a transportable distribution system that can be easily moved around portably.

16. As for claim 16, Puhl and Sasaki disclose all the limitations of claim 15, further;

What Puhl does not clearly disclose (See Puhl figure 5, and col. 13, ln. 55-57), Sasaki clearly discloses the selected threshold of the indicia of creditworthiness is based on whether the user has available financial resources equal to the cost indicia (See Sasaki figure 2A element 24 and 27, and col. 4, ln. 36-53). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over an open network to secure the payment of the funds to the recipient to avoid risking not to be compensated for the delivery of goods or services.

17. As for claim 17, Puhl and Sasaki disclose all the limitations of claim 15, further;

Puhl is not explicit about the additional operation, prior to said operation of comparing, to provide the indicia of creditworthiness to the recipient mobile terminal (a request for funds transfer or availability of funds at the buyer terminal)(See Puhl figure 5, and col. 13, ln. 55-57). It would have been obvious to one having ordinary skill in the art at the time the current invention was made that in order to render services based on a monetary transaction a system has to be able to check and verify the level of credit available to a transaction to be rendered and make a comparison to see if the available level of monetary funds are available and the level would be sufficient to cover the cost of service or content to be provided. In addition it is well understood that for any transaction to take place or any transfer of digital assets to occur a determination is made for credit worthiness of the purchaser. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to require a check of sufficient funds at the buyer (recipient) side before any transaction to avoid transactions which would be processed without sufficient funds being exchanged between the buyer and the seller.

Art Unit: 3621

18. As for claim 23, Puhl discloses a method for distributing content using peer devices, each peer device operable in a communication network, said method comprising the steps:

Puhl discloses (See Puhl figure 4-5 and col. 9, ln. 1-8 and ln. 48-51, col. 13, ln. 25-68, col. 14, ln. 1-12, col. 15, ln. 12-15, col. 15, ln. 47-51, col. 18, ln. 63-68, and col. 19, ln. 1-11),

- installing the content in a first peer device, the content being associated with ownership indicia, wherein the ownership indicia comprises cost indicia and payment indicia checking the validity of the merchant and the item certification)(See Puhl figure 5 and col. 5, ln. 48-57, col. 13, ln. 13-61);
- receiving, in the first peer device, a request from a second peer device for the ownership indicia associated with the content (See Puhl figure 5 and col. 13, ln. 13-61);
- transmitting the ownership indicia from the first peer device to the second peer device (See Puhl figure 5 and col. 13, ln. 13-61);
- comparing the cost indicia to creditworthiness indicia associated with the second peer device to determine if the creditworthiness indicia meets a selected second peer device threshold (See Puhl figure 5 and col. 13, ln. 13-61); and
- copying the content from the first peer device to the second peer device if the comparing step determines that the threshold has been met (See Puhl figure 5 and col. 13, ln. 13-667).

What Puhl is not explicit about is how the credit worthiness is determined (bill customer for the predetermined fee) is clearly disclosed by Sasaki (See Sasaki figure 2A and col. 4, ln. 1-7 and ln. 37-53). It is clear that Sasaki uses the smart card as means of delivery of funds in a portable environment.

Nevertheless, Puhl does not clearly specify "mobile provider terminal", as recited above.

However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make both the receiving and provider terminals portable In re Lindberg 93 USPQ 23 (CCPA 1952). Since by doing so, it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy. (Additionally, Sasaki clearly discloses a system that works based on a peer-to-peer communication and transaction).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over

Art Unit: 3621

an open network to secure the payment of the funds to the recipient to avoid risking not to be compensated for the delivery of goods or services in a transportable distribution system that can be easily moved around portably.

19. As for claim 24, Puhl and Sasaki disclose all the limitations of claim 21, further;

Puhl discloses the step of effecting payment for the content through the communication network as indicated by the payment indicia (See Puhl figure 5, col. 13, ln. 25-67).

20. As for claim 25, Puhl and Sasaki disclose all the limitations of claim 22, further;

Puhl is not specific on the step of effecting payment through the communication network comprises the step of debiting the creditworthiness indicia in an amount corresponding to the cost indicia (See Puhl figure 5, col. 13, ln. 25-67). However, Puhl clearly discloses the step of verifying the existence of sufficient funds in element 535 of figure 5 that there is a verification of e-cash to verify the availability of the funds. Sasaki on the other hand is very clear about the deduction of the funds from one entity to another once the transfer of funds has taken place (See Sasaki figure 2A and col. 4, ln. 1-7 and ln. 37-53). It is clear that Sasaki uses the smart card as means of delivery of funds in a portable environment as well. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make deduction of funds once the funds have been transfer to others to prevent double spending and making sure that the party of reception of the funds has the funds in their possession as one would do so in a real transaction buy with real money.

21. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed

Art Unit: 3621

invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

22. Claims 4, 14, 20, and 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,223,291 to Larry C. Puhl in view of U.S. Patent No. 6,155,484 to Shigeru Sasaki as applied to claim 3 above, and further in view of U.S. Patent No. 6,331,972 to Jeffery Martin Harris.

23. As for claim 4, Puhl and Sasaki disclose all the limitations of claim 3, further;

What Puhl and Sasaki are not explicit about is that said provider-terminal downloading connector and said recipient-terminal downloading connector each comprise executable downloader programs. But Puhl is clear of the terminal having an executable program at the point of contact to manage the information transfer and other related execution of task regarding a transaction (WTLS API and WAP protocol) (See Puhl, figure 3-5, and col. 2, lines 36-43). Additionally, it is would be obvious to one having ordinary skill in the art at the time the current invention was made, that any two terminals in order to interact with each other they must have to communicate, thus it requires the two terminals to have the appropriate software and modes of linkage be it physical or otherwise, for communication and downloading digital assets. However, Harris does disclose a system that works based on a peer-to-peer communication and transaction, which clearly discloses the use of the download controller (control of information transfer resident with buyer)(See Harris col. 23, ln. 65-68 and col. 24, ln. 1-6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to have the executable at the recipient and the provider side to make sure the compatibility of the communication.

24. As for claim 14, Puhl and Sasaki disclose all the limitations of claim 1 further;

Puhl does not explicitly disclose that the content further has payment account depository indicia associated therewith, the payment account depository indicia indicating the location to which said recipient-terminal downloading connector is to effectuate the communication link (See Puhl col. 13, ln. 25-

Art Unit: 3621

68 and col. 14, ln. 1-12). However, Harris clearly discloses the system and method of directing the receiving terminal to provide a third party (Payment Server) of the transaction and the associated information therewith (See Harris col. 23, ln. 65-68 and col. 24, ln. 1-22). Therefore, It would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the teachings of Harris with Puhl's to achieve greater security and authentication of monetary transactions. Additionally, it would have been obvious to one of ordinary skilled in the art that e-commerce systems do keep track of the customer transactions as specific data related to the transaction within a data base unique to that consumer and based on the information obtained through communications between the two terminals is captured as certain transactions take place. Accordingly the cost associated with the transactions are debited to the recipient of the services credit data just as it is credited to the providers data where ever it might have been stored such as a financial institution such as a bank or a clearing house.

25. As for claim 20, Puhl and Sasaki disclose all the limitations of claim 15 wherein the content has proprietor indicia associated therewith, the proprietor indicia indicating a payee entity to whom a charge associated with execution of the content is selectably to accrue, and wherein said method further comprises the operations of:

Puhl discloses (See Puhl figure 4-5 and col. 13, ln. 25-68, col. 14, ln. 1-12, col. 15, ln. 12-15, col. 15, ln. 47-51, col. 18, ln. 63-68, and col. 19, ln. 1-11),

- terminating the first communication link;
- forming a second communication link between the recipient mobile terminal and payment account depository associated with the payee entity;
- debiting the indicia of creditworthiness for the content downloaded to the recipient mobile terminal; and
- crediting the payment account correspondingly.

What Puhl is not explicit about is the second communication with a depository of funds entity such as a financial institution or a bank. However, Harris clearly indicating the system and method of directing the

Art Unit: 3621

receiving terminal to provide a third party (Payment Server) of the transaction and the associated information therewith (See Harris figure 31 and col. 23, ln. 65-68 and col. 24, ln. 1-22). Therefore, It would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the teachings of Harris with that of Puhl's to achieve greater security and authentication of monetary transaction. (Additionally, it is understood and obvious that e-commerce systems do store and track the customer transactions as specific data related to the transactions within a data base unique to that of the consumer and based on the information obtained through communications between the authorized buyer and seller terminals are captured as transactions occur. Accordingly the cost associated with the transactions are debited from the buyer and credited to the seller of the services and recorded in a central storage as well as possible locally within the seller or/and buyer terminal for future access and verifications). How the credit worthiness is determined (billing customer for the predetermined fee) is clearly disclosed by Sasaki (See Sasaki figure 2A and col. 4, ln. 1-7 and ln. 37-53). It is clear that Sasaki uses the smart card as means of delivery of funds in a portable environment.

Nevertheless, Puhl does not clearly specify "mobile provider terminal", as recited above. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make both the receiving and provider terminals portable In re Lindberg 93 USPQ 23 (CCPA 1952). Since by doing so, it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy. (Additionally, Sasaki clearly discloses a system that works based on a peer-to-peer communication and transaction).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to combine the two concepts to have a quicker and easier transaction process over an open network to secure the payment of the funds to the recipient to avoid risking not to be compensated for the delivery of goods or services

26. As for claim 26, Puhl and Sasaki disclose all the limitations of claim 21, further;

Puhl is clear on the devices operable in a communication network are mobile terminals operable in a mobile telecommunication network. However, Puhl is not clear on the peer device specifically.

Art Unit: 3621

However, Harris clearly discloses a method and system that entails the use of peer devices to conduct transactions that are similar to Puhl's as it is shown in figure 1, element 20 (See Harris figure 1, 6 and 11 and associated text). Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to modify the Puhl's system as a peer to peer transaction system for the ease of distribution and numerical superiority as well as portability.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

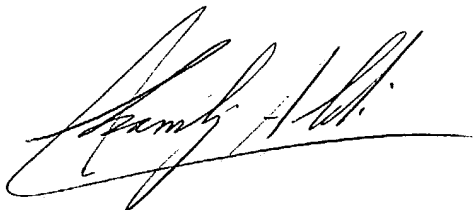
(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

**Crystal Park 5, 2451 Crystal Drive
7th floor receptionist, Arlington, VA, 22202**

**Abdi/K
July 22, 2004**

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', is written over a horizontal line.